

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GABRIELA MUNOZ, *Individually and
on behalf of all others similarly situated,*

Plaintiffs,

v.

No. 2:21-cv-558 MIS/KRS

THOMAS L. CARDELLA
& ASSOCIATES, INC.,

Defendant.

SCHEDULING ORDER

THIS MATTER comes before the Court following a telephonic Rule 16 scheduling conference held on March 8, 2023. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

- (a) Written discovery (limited to 15 questions) to 10% of the Collective, or 50 Opt-In Plaintiffs.
- (b) Depositions (limited to 3 hours) of no more than 20 Opt-In Plaintiffs who provided responses to written discovery. Each side to choose half of the Opt-In Plaintiffs to be deposed.

IT IS FURTHER ORDERED that the following case management deadlines shall govern:

- (a) Deadline for Plaintiff to amend pleadings pursuant to Federal Rule of Civil Procedure 15:
June 2, 2023;

- (b) Deadline for Plaintiff to join additional parties pursuant to Federal Rule of Civil Procedure 15: **June 23, 2023**
- (c) Deadline for Defendant to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **July 7, 2023**;
- (d) Deadline for Plaintiff's expert reports: **October 2, 2023**;
- (e) Deadline for Defendant's expert reports: **November 2, 2023**;
- (f) Termination of discovery: **January 2, 2024**;
- (g) Deadline for supplementing discovery/disclosures: **January 31, 2024**;
- (h) Motions relating to discovery: **January 23, 2024**;
- (i) All other motions:¹ **February 2, 2024**;
- (j) Pretrial order: To be set by the presiding judge.

IT IS FURTHER ORDERED that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering

¹ This deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions *in limine*. The Court will set a motions *in limine* deadline in a separate order.

discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, slightly slanted style. The first name "Kevin" is written with a large 'K' and the last name "Sweazea" is written with a large 'S' and a trailing flourish.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE